



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	) Dow Minging Pouts
Esther H. CHANG et al.	) <u>Box Missing Parts</u> )
Serial No. 09/716,320	) Attention:
Filed: 21 November 2000	) Applications Branch )
For: COMPOSITIONS AND METHODS	FOR REDUCING

RADIATION AND DRUG RESISTANCE IN CELLS

### RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts Assistant Commissioner for Patents Washington, D.C. 20231

#### Dear Sir:

In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated February 26, 2001, response copy attached, a Declaration and Power of Attorney identifying the above-referenced application by Serial Number and Filing Date is being herewith submitted. Also attached is a check in payment of the following fees:

```
$ 65.00 (surcharge under 37 C.F.R. 1.16(e))
355.00 (basic filing fee)
80.00 (additional claims fee)
$ 500.00 TOTAL
```

Please charge any additional fees or credit any overpayment for the payment of the filing fee, any extra claims fees or the surcharge to deposit account number 02-2135. An additional copy of this letter is enclosed for that purpose.

Serial No. 09/716,320

The following documents are being submitted concurrently under separate cover:

- An Information Disclosure Statement.
- Recordation coversheet w/Assignment

Respectfully submitted,

Stephen A. Saxe, Ph.D. Attorney for Applicants Registration No. 38,609

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

Suite 701-E, 555 13th Street, N.W.

Washington, D.C. 20004 Telephone: (202) 783-6040

Enclosures









# United States Patent and Trademark Office

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/716,320

11/21/2000

Esther H. Chang

2444-109

Stephen A Saxe Rothwell Figg Ernst & Manbeck 555 13th Street NW Suite 701 East Vashington, DC 20004

**FORMALITIES LETTER** OC000000005799364

Date Mailed: 02/26/2001

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

# FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$160.
  - \$160 for 2 independent claims over 3.
- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1000.

04/27/200. BSAYASII 00000040 09716320

01 F0:201 02 FC:202 03 FC:205

355,00 OP 80.00 OP 65.00 OP

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

ر ع خو	μt. '				1		Sector #	
		_			Comp	olete i	f Known	
VP E		•		Application Numb	per		09/716,320	
	TRANSMITTAL F	ORM		Filing Date			21 November 2000	
PR 2 6	رية) إن be used for all correspondence!	after in	itial filing)	First Named Inventor			Esther H. CHANG	
				Examiner Name			To Be Assigned	
RADE				Group Art Unit			1645	
	Total Number of Pages	in This	Submission 17	Attorney Docket	Numbe	r	2444-109	
		ENCL	OSURES (chec	k all that apply)				
x	Fee Transmittal Form		Assignment Pap	pers			r Allowance nmunication to Group	
	x Fee Attached		Drawing(s) Licensing-related Papers				·	
	Amendment/Reply					Boa	eal Communication to rd of Appeals and ferences	
	After Final		Petition			Ann	eal Communication to	
1	Affidavits/declaration(s)		Petition to Conv Provisional Appl		Gro		up (Appeal Notice, Brief, ly Brief)	
	Extension of Time Request	<b>□</b> .	Power of Attorne	ey Revocation		Prop	orietary Information	
	Express Abandonment Request		Change of Corre				us Letter	
X	Information Disclosure Statement		Terminal Disclai	mer	x	Other Enclosure(s) (please identify below):		
	Certified Copy of Priority Document(s)		Request for Ref	und	Red		uest for Corrected Filing eipt	
	Response to Missing Parts/ Incomplete Application		CD, Number of	· <i>'</i>				
i	Response to Missing Parts under 37 CFR 1.52 or 1.53			REMARKS:				

SUBMITTED BY	Complete (if applicable)					
NAME AND REG. NUMBER	Stephen A. Saxe, Ph.D., Reg. No. 38,609					
SIGNATURE	Stephen a. Sax	DATE	april 25, 200,	DEPOSIT ACCOUNT USER ID,		

	APR 2 6 2001	,	
	RADEMARK OFF	/c	omplete if Known
	TRADEMARK OF	Application Number	09/716,320
FEE TRANS		Filing Date	21 November 2000
for FY 2001 (Small Entity)		First Named Inventor	Esther H. CHANG
		Examiner Name	To Be Assigned
		Group Art Unit	1645
Total Amount of Payment	(\$)\$60.00	Attorney Docket Number	2444-109

Rothwell, Figg, Ernst & Manbeck  205 65 Surcharge - late filing fee or oath 227 25 Surcharge - late provisional filing fee 227 25 Surcharge - late provisional filing fee 228 or cover sheet 37 CFR 1.16 and 1.17 147 2.520  Applicant claims small entity status.  112 920 Requesting publication of SIR 2. Applicant claims small entity status.  113 1,840* Requesting publication of SIR 2. Payment Enclosed:  215 55 Requesting publication of SIR 216 195 Extension for reply within first month 217 445 Extension for reply within first month 218 695 Extension for reply within first month 218 695 Extension for reply within first month 219 155 Notice of Appeal  210 155 Filling a brief in support of an appeal 220 155 Filling a brief in support of an appeal 221 135 Request for Oral Hearing 222 155 Petition to revive - unavoidable 223 245 Plant Filling Fee 224 620 235 Reissue Filling Fee 246 198 Extension for reply within first month 227 198 198 Extension for reply within first month 228 945 Extension for reply within first month 229 155 Filling a brief in support of an appeal 240 155 Petition to institute a public use proceeding 250 245 Plant Filling Fee 260 156 Design Filling Fee 271 243 220 Design issue fee 272 245 Plant Filling Fee 273 124 124 23 220 Design issue fee 274 75 Provisional Filling Fee 275 127 127 128 129 Processing fee under 37 CFR 1.17(q) 280 SUBTOTAL 281 246 355.00 381 40 Request for Oral Hearing 383 140 Request for Oral Hearing 384 140 Request for Oral Hearing 385 Reissue Filling Fee 385 140 Recording each patent assignment per property 385 (times number of properties) 386 Filling a submission after final rejection 387 CFR 1.129(a))	METHO	DD OF PAYMENT (check on	e)	FEE (	CALCU	LATION (continued)	
additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck 205 65 Surcharge - late filing fee or oath Surcharge - late from fee or oath Surcharge	1 V	The Commissioner is hereby auth	orized to charge	3. AE	DITIO	NAL FEES	
Deposit Account Number 02-2135 in the name of Rothwell, Figg, Emst & Manbeck 205 65    Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17	ــــــــــــــــــــــــــــــــــــــ						
Rothwell, Figg, Emst & Manbeck 205 65 Surcharge - late filing fee or oath S65.  Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17 147 2,520 For filing a request for reexamination [						Fee Description	Fee Paid
Charge any Additional Fee Required Under   139   130			o iir are manie or				
Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17 147 2,520 For filing a request for reexamination of SIR Per Fee Paid 155 Utility filing fee 1 242 620 Utility filing fee 1 242 620 Utility filing fee 1 244 320 Design Filing Fee 1 244 320 Design Filing Fee 1 244 320 Design Size fee 1 245 156 Total Claims [20] - 20** = [a] x 40 = [s80] 249 355 For each additional invention to be carminated or cover sheet Non-Request for reexamination of SIR Requesting publication of SIR Request for republication [additional strength of SIR Request for republication [addi		Kolliwell, rigg, Litist & Manbeck					[ ]
Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17 147 2.520 For filing a request for reexamination For formal filing a request for reexamination For filing a request for reexamination For filing a request for reely within first month Formal filing from for filing a first filing a filing fi	_						. ,
Applicant claims small entity status.    Applicant claims small entity status.   112   920   Requesting publication of SIR   prior to Examiner action			ed Under	130	130		r 1
Applicant claims small entity status.    112   920   Requesting publication of SIR prior to Examiner action   Requesting publication of SIR after Examiner action   Requesting publication of SIR after Examiner action   Extension for reply within first month   Extension for reply with		37 CFR 1.16 and 1.17					+ +
Applicant claims small entity status.    Applicant claims small entity status.							} {
Payment Enclosed:    Check   215   55   Extension for reply within first month   Extension for reply within first month   Extension for reply within fourth month   Extension for patent term soluted   Extension for patent term soluted   Extension for patent term soluted   Extension	$\nabla$	Applicant claims small entity statu	s	112	320		
2.		7 ppriodite ordino ordino ordino	<b>.</b>	112	1 9/0*		r 1
Yay   Telescolor   Check   216   195   Extension for reply within first month				113	1,040		[ ]
Year   Check   216   195   Extension for reply within second month   217   445   Extension for reply within second month   218   695   Extension for reply within fourth month   218   695   Extension for reply within fight month   218   Extension for reply within fight manipally and palication for path tensing manipal submanipal   218   218   218   218   218   218   218	2. X	Payment Enclosed:		215	55		r 1
Credit Card		X Check					ļļ
218   695   Extension for reply within fourth month   1							į į
Subtotal Claims   Fee		Credit Card					į į
219 155 Notice of Appeal							į į
1. FILING FEE  Fee Fee Fee Fee Fee Fee Fee Fee Fee Fe	FEE C	ALCULATION				• •	į į
1. FILING FEE Fee Fee Fee Paid Code \$ Fee Description Fee Paid 240 55 Code \$ Fee Description Fee Paid 240 55 Code \$ Fee Description Fee [\$355.00 ] 241 640 Petition to institute a public use proceeding [\$201 355 Utility filing fee [\$355.00 ] 241 640 Petition to revive - unintentional [\$202 107 245 Plant Filing Fee [							į į
Fee Fee Code \$ Fee Description Fee Paid	1 FILL	NG FEE					1 1
Code \$ Fee Description Fee Paid 240 55 Petition to revive -unavoidable [201 355 Utility filing fee [\$355.00 ] 241 640 Petition to revive - unintentional [206 160 Design Filing Fee [ ] 242 620 Utility issue fee (reissue) [207 245 Plant Filing Fee [ ] 243 220 Design issue fee [208 355 Reissue Filing Fee [ ] 244 300 Plant issue fee [214 75 Provisional Filing Fee [ ] 244 300 Plant issue fee [214 75 Provisional Filing Fee [ ] 244 300 Plant issue fee [214 75 Provisional Filing Fee [ ] 244 300 Plant issue fee [215 24 355 Petitions to the Commissioner [ 226 24 355 Provisional Filing Fee [ ] 244 300 Plant issue fee [ ] 245 245 245 245 245 245 245							[ ]
201 355 Utility filing fee [\$355.00 ] 241 640 Petition to revive - unintentional [205 160 Design Filing Fee			Foo Doid				[ ]
206 160 Design Filing Fee [ ] 242 620 Utility Issue fee (or reissue) [ 207 245 Plant Filing Fee [ ] 243 220 Design issue fee [ 208 355 Reissue Filing Fee [ ] 244 300 Plant Issue fee [ 214 75 Provisional Filing Fee [ ] 122 130 Petitions to the Commissioner [ 23 50 Processing fee under 37 CFR 1.17(q) [ 246 180 Submission of Information Disclosure Statement [ 25 1 80 Submission of Information Disclosure Statement [ 25 1 80 Submission of Information Disclosure Statement [ 25 1 80 Submission after final rejection [ 25 1 80 Submission after							[ ]
207 245 Plant Filing Fee [ ] 243 220 Design issue fee [ ] 244 300 Plant issue fee [ ] 245 Provisional Filing Fee [ ] 246 355 Processing fee under 37 CFR 1.17(q) [ ] 246 Submission of Information Disclosure Statement [ ] 2581 40 Recording each patent assignment per property [ ] (times number of properties) Processing fee under 37 CFR 1.17(q) [ ] 246 355 Processing fee under 37 CFR 1.17(q) [ ] 247 September of Properties Propertie			[\$355.00]				[ }
208 355 Reissue Filing Fee [ ] 244 300 Plant issue fee [ ] 245 250 Provisional Filing Fee [ ] 246 355 Processing fee under 37 CFR 1.17(q) [ ] 246 Submission of Information Disclosure Statement [ ] 2581 40 Recording each patent assignment per property [ ] 246 355 Filing a submission after final rejection [ ] 37 CFR .129(a) Provisional Filing Fee Fee Paid [ ] 249 355 For each additional invention to be examined (37 CFR 1.129(b)) Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 249 355 Provisional Filing Fee Fee Paid [ ] 246 355 Filing Fee Fee Paid [ ] 355 Provisional Filing Fee Fee Paid [ ] 355 Pro			ļ				[ }
SUBTOTAL \$355.00   122   130   Petitions to the Commissioner   123   50   Processing fee under 37 CFR 1.17(q)   126   180   Submission of Information Disclosure Statement   123   50   Processing fee under 37 CFR 1.17(q)   126   180   Submission of Information Disclosure Statement   123   50   Processing fee under 37 CFR 1.17(q)   126   180   Submission of Information Disclosure Statement   123   124   125			į į				[ ]
SUBTOTAL \$355.00  123 50 Processing fee under 37 CFR 1.17(q) [  SUBTOTAL \$355.00  126 180 Submission of Information Disclosure Statement [  SEXTRA Claims Fee Fee Paid  Total Claims [20] - 20** = [] x \$9 = [] 249 355 For each additional invention to be examined (37 CFR 1.129(b))  Claims [5] - 3** = [2] x 40 = [\$80.] 279 355 Request for Continued Examination (RCE) [  Multiple Dependent Claims + 135 = [] 169 900 Request for expedited examination [  **or number previously paid, if greater;  SUBTOTAL \$80.00  123 50 Processing fee under 37 CFR 1.17(q) [  Recording each patent assignment per property [  (times number of properties)  Filing a submission after final rejection [  (37 CFR 1.129(a))  For each additional invention to be examined (37 CFR 1.129(b))  Request for Continued Examination (RCE) [  of a design application  Publication fee for early, voluntary, or normal publication  Filing an application for patent term adjustment [  090 400 Request for reinstatement of term reduced [  Other fee (specify)			į į				[ ]
SUBTOTAL \$355.00  126 180 Submission of Information Disclosure Statement [ 581 40 Recording each patent assignment per property [ (times number of properties)  Extra Claims Fee Fee Paid Total Claims [20] - 20** = [] x \$9 = [] 249 355 For each additional invention to be examined (37 CFR .129(a))  Claims [5] - 3** = [2] x 40 = [\$80.] 279 355 Request for Continued Examination (RCE) [ Multiple Dependent Claims + 135 = [] 169 900 Request for expedited examination [ **or number previously paid, if greater;  SUBTOTAL \$80.00  SUBTOTAL \$80.00  126 180 Submission of Information Disclosure Statement [ Recording each patent assignment per property (times number of properties)  Filing a submission after final rejection [ (37 CFR .129(a)))  For each additional invention to be examined (37 CFR 1.129(b))  Request for Continued Examination (RCE) [ of a design application  Fublication fee for early, voluntary, or normal publication  Fublication fee for republication  Fublication fee for republication  O89 200 Filing an application for patent term adjustment [ O90 400 Request for reinstatement of term reduced [ Other fee (specify)	214	75 Provisional Filing Fee	1 1	122	130	Petitions to the Commissioner	[ ]
2. CLAIMS  Extra Claims Fee Fee Paid Claims [20 ] - 20** = [ ] x \$9 = [ ] 249 355 For each additional invention to be examined (37 CFR .129(a)) Claims [5 ] - 3** = [2 ] x 40 = [\$80. ] 279 355 Request for Continued Examination (RCE) Multiple Dependent Claims + 135 = [ ] 169 900 Request for expedited examination of a design application  **or number previously paid, if greater;  SUBTOTAL \$80.00 196 300 Publication fee for republication [ Other fee (specify)				123	50	Processing fee under 37 CFR 1.17(q)	[ ]
2. CLAIMS  Extra  Claims Fee Fee Paid  Total Claims [20 ] - 20** = [ ] x \$ 9 = [ ] 249 355 For each additional invention to be examined (37 CFR 1.129(b))  Claims [5 ] - 3** = [2 ] x 40 = [\$80. ] 279 355 Request for Continued Examination (RCE) [ Multiple Dependent Claims		ŞUBTOTAL	\$355.00	126	180	Submission of Information Disclosure Statement	[ ]
Extra Claims Claims Fee Fee Paid  Total Claims [20] - 20** = [] x \$9 = [] 249  Total Claims [5] - 3** = [2] x 40 = [\$80.] 279  Multiple Dependent Claims  The remainder of a design application fee for early, voluntary, or number previously paid, if greater;  SUBTOTAL  SUBTOTAL  Extra Claims Fee Fee Paid  (37 CFR .129(a))  For each additional invention to be examined (37 CFR 1.129(b))  Request for Continued Examination (RCE)  Filing a submission after final rejection  (37 CFR .129(a))  For each additional invention to be examined (37 CFR 1.129(b))  Request for expedited examination of a design application  Figure 1	2 CLA	JMS		581	40		[ ]
Total Claims [20] - 20** = [] x \$9 = [] 249 355 For each additional invention to be examined (37 CFR 1.129(b))  Claims [5] - 3** = [2] x 40 = [\$80.] 279 355 Request for Continued Examination (RCE) [ Multiple Dependent Claims + 135 = [] 169 900 Request for expedited examination [ of a design application  **or number previously paid, if greater;  SUBTOTAL \$80.00 196 300 Publication fee for republication [ 089 200 Filing an application for patent term adjustment [ 090 400 Request for reinstatement of term reduced [ Other fee (specify)		Extra	Foo Foo Paid	246	355		[ ]
examined (37 CFR 1.129(b))  Claims [5] - 3** = [2] x 40 = [\$80.] 279 355 Request for Continued Examination (RCE) [ Multiple Dependent Claims + 135 = [] 169 900 Request for expedited examination [ of a design application  **or number previously paid, if greater;  SUBTOTAL \$80.00 196 300 Publication fee for early, voluntary, or normal publication  196 300 Publication fee for republication  198 200 Filing an application for patent term adjustment [ 090 400 Request for reinstatement of term reduced [ Other fee (specify)	T-4-1 (C)-	=		249	355		[ ]
Multiple Dependent Claims + 135 = [ ] 169 900 Request for expedited examination [ of a design application			29- [ ]	-		examined (37 CFR 1.129(b))	
Multiple Dependent Claims + 135 = [ ] 169 900 Request for expedited examination [ of a design application   195 300 Publication fee for early, voluntary, or normal publication   196 300 Publication fee for republication   196 300 Publication fee for republication   198 200 Filing an application for patent term adjustment   199 400 Request for reinstatement of term reduced   199 Other fee (specify)	Claims	[5 ]- 3** = [2 ] x	40 = [\$80, ]				[ ]
**or number previously paid, if greater;  195 300 Publication fee for early, voluntary, or [normal publication fee for republication [089 200 Filing an application for patent term adjustment [090 400 Request for reinstatement of term reduced [000 Other fee (specify)]			135 = [ ]	169	900	Request for expedited examination	[ ]
SUBTOTAL \$80.00  196 300 Publication fee for republication [ 089 200 Filing an application for patent term adjustment [ 090 400 Request for reinstatement of term reduced [ Other fee (specify)							
SUBTOTAL \$80.00  196 300 Publication fee for republication [ 089 200 Filing an application for patent term adjustment [ 090 400 Request for reinstatement of term reduced [ Other fee (specify) [	**or num	ber previously paid, if greater:		195	300		[ ]
089 200 Filing an application for patent term adjustment [ 090 400 Request for reinstatement of term reduced [ Other fee (specify) [		, , , , , , , , , , , , , , , , , , , ,				normal publication	
089 200 Filing an application for patent term adjustment [ 090 400 Request for reinstatement of term reduced [ Other fee (specify) [		SURTOTAL	\$80.00	196	300	Publication fee for republication	
090 400 Request for reinstatement of term reduced [ Other fee (specify) [		SOBIOTAL	<b>\$00.00</b>	089	200	Filing an application for patent term adjustment	ĺĺ
				090	400	Request for reinstatement of term reduced	ĺĺ
* Reduced by Basic Filing Fee Paid SUBTOTAL \$				Other f	ee (speci	fy)	į
				* Redu	ced by Ba	asic Filing Fee Paid SUBTOTAL	\$

SUBMITTED BY				Complete (if applicable)	
NAME AND REG. NUMBER	Stephen A. Saxe, Ph.D., Rec	g. No	. 38,609		
SIGNATURE	Stephena. Sask	DATE	april 25, 2001	DEPOSIT ACCOUNT USER ID	